



New York State Department of Environmental Conservation
Bureau of Pesticides Management
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How Can

OWNERS AND

OWNERS' AGENTS

Comply With

The Neighbor Notification Law?

March 1, 2001

How Can Owners or Owners' Agents Comply With the Neighbor Notification Law?

What is the Neighbor Notification Law?

The Neighbor Notification Law of 2000, formally known as chapter 285 of the Laws of 2000, added new provisions to Title 10 of Article 33 regarding posting of visual notification markers for residential lawn applications, posting of signs at certain retail establishments, and mandating neighbor notification of certain commercial lawn applications.

Where is the Neighbor Notification Law in Effect?

The Neighbor Notification Law as it applies to commercial or residential lawn care ***is only in effect in Counties, or in New York City, that have adopted a local law to "opt into" the Neighbor Notification Law.*** The Neighbor Notification Law becomes effective on March 1, 2001.

Portions of the Neighbor Notification Law also amend the Education Law for pesticide applications at schools (grades K-12) and the Social Services Law for pesticide applications at licensed daycare centers. The amendments for schools and daycare centers become effective statewide on July 1, 2001.

The remainder of this pamphlet applies to commercial and residential lawn care applications which are regulated under provisions of the (ECL) which are only in affect in Counties that pass a local law to enforce the Neighbor Notification Law and related regulations.

What Regulations Apply to the Neighbor Notification Law?

New Section 41 of the 6NYCRR Part 325 regulations implements the Neighbor Notification Law and governs commercial and residential lawn applications. The new regulations become effective on March 1, 2001.

What Are the Requirements for Owners or Owners' Agents under the Neighbor Notification Law?

At least forty-eight hours prior to any commercial lawn application the pesticide applicator or business making such application shall supply written notice to occupants of all dwellings or owners or owners' agents or other persons in a position of authority for multiple dwellings and other occupied structures, on abutting property that is within one hundred fifty feet of the site of such application. The written notice may be provided to you, as the owner or owner's agent or other person in a position of authority, in any reasonable manner including, but not limited to, mailing or leaving in a conspicuous location on the abutting property. The written notice must be in at least 12

point type and contain at a minimum the following information:

- the address of the premises where the application is to take place;
- the name, telephone number and pesticide business registration number or pesticide applicator certification identification number of the person applying or supervising the pesticide application;
- the specific date of each scheduled application and two alternative dates, if weather or other conditions preclude the original application date;
- the product name or names and the United States Environmental Protection Agency registration number or numbers of the pesticide or pesticides to be applied; and
- a prominent statement that reads: "This notice is to inform you of a pending lawn care pesticide application to a neighboring property. You may wish to take precautions to minimize pesticide exposure to yourself, family members, pets or family possessions. Further information about the product or products being applied, including any warnings that appear on the labels of such pesticide or pesticides that are pertinent to the protection of humans, animals or the environment, can be obtained by calling the National Pesticide Telecommunications Network at 1-800-858-7378 or the New York State Department of Health Center for Environmental Health information line at 1-800-458-1158."

If I Am the Owner or Owner's Agent or Other Person in a Position of Authority over a Multiple Dwelling, What must I Do to Comply with the Neighbor Notification Law?

You must give a copy of the notice (the one you receive from the commercial applicator or business at least 48 hours prior to the commercial lawn application) to the occupants of each residential unit at least 24 hours prior to any proposed commercial lawn application.

If I Am the Owner or Owner's Agent or Other Person in a Position of Authority over an Occupied Structure Other than a Dwelling (Office Building, Shopping Center, Commercial Business, Etc.), What must I Do to Comply with the Neighbor Notification Law?

You must post the notice (the one you receive from the commercial applicator or business at least 48 hours prior to the commercial lawn application) at least 24 hours prior to any proposed commercial lawn application, in a conspicuous location accessible and visible to all individuals who may enter the structure.

What Is a Multiple Dwelling?

A multiple dwelling is any dwelling which is to be occupied by or is occupied as a residence or home of three or more families living independently of each other.

If I Am the Owner or Owner's Agent or Other Person in a Position of Authority over a Multiple Dwelling, Do I Need to Address the Notice to Occupants By Name?

No. The purpose of the requirement is to provide prior notice to the indicated people. The notice need not be addressed to one or more individuals by name.

If I Am the Owner or Owner's Agent or Other Person in a Position of Authority over a Multiple Dwelling, What Can I Do If Some of My Residents Do Not Want to Receive Any Notices of Commercial Lawn Applications?

There may be many instances in which people living in apartment complexes do not want to receive notices of nearby commercial lawn applications; some may even feel harassed by unwanted notices. The regulations are flexible for such people. The regulations require the 48 hour notice must be given to the owner or owner's agent of the multiple dwelling or other person in a position of authority over the multiple dwelling. The occupants must then be supplied with the written notice within 24 hours by the owner or owner's agent of the multiple dwelling or other person in a position of authority over the multiple dwelling. Every occupant has a right to receive the written notice; however, an occupant is free to work out any arrangement with the owner or owner's agent of the multiple dwelling or other person in a position of authority over the multiple dwelling to refuse or avoid further notices. If the occupant does not ask you to hold any further notices, you must give each notice to the occupant as required by the regulations.

Who Enforces the Neighbor Notification Law?

The Neighbor Notification Law will be enforced by both your County government and the New York State Department of Environmental Conservation.

What Are the Penalties for Violation of the Residential Lawn Application Requirements of the Neighbor Notification Law?

The penalties set forth in the Neighbor Notification Law are a maximum of:

- a written warning and educational materials for the first violation (The retailer will also be provided seven days to correct the violation);
- a \$100 fine for the second violation, and,
- a \$250 fine for the third and subsequent violations.

These penalties may be levied only after a hearing or opportunity to be heard.

If I Have a Complaint or Question about the Neighbor Notification Law, Who Should I Call?

If the Neighbor Notification Law is effective in your County, you should call your County government. See the blue pages in your telephone book. If the Neighbor Notification Law is not in effect in your County, or if you want of to file a complaint related to pesticide drift, questions may be directed to your Regional Office of the Department of Environmental Conservation.